

**DECLARATION FOR UTILITY OR DESIGN
PATENT APPLICATION**

☐ Declaration submitted with original filing

or

☒ Declaration submitted after initial filing

Attorney Docket Number: B185 1210.1/MSC 8015
First Named Inventor: Christopher J. Stenland, *et al.*

Complete if Known:

Application Number: 10/659,789
Filing Date: September 10, 2003
Group Art Unit: 1645
Examiner Name: Unassigned

As an inventor named below, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below), or, an original, first and joint inventor (if more than one name is listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

PRION CLEARANCE USING PARTICULATE METAL OXIDES

The specification of which:

☐ is attached hereto;

☐ was Express Mailed on _____, Serial No. not yet known;

☒ was filed on September 10, 2003, United States Application Serial No. 10/659,789;

☐ was amended on _____;

☐ was described and claimed in International Application No. PCT _____, filed on _____, and as amended under PCT Article 19 on _____.

I hereby state that I have reviewed and understand the contents of the specification identified above, including the claims, as amended in any amendment referred to above.

I acknowledge my duty to disclose to the United States Patent Office all information which is known to me to be material to patentability as defined in 37 CFR §1.56.

Priority Claim under 35 USC §119(e):

I hereby claim the benefit under 35 USC §119(e) of any United States provisional application(s) listed below.

☒ None

Application Serial Number	Filing Date (Day/Month/Year)

Priority Claim under 35 USC §120 or §365(c):

I hereby claim the benefit under 35 USC §120 of any previously filed United States non-provisional application(s), including original, divisional, continuation and continuation-in-part application(s), or claim the benefit under 35 USC §365(c) of any PCT International application(s) designating the United States that are listed below.

☒ None

Application Serial Number	Filing Date (Day/Month/Year)	Status

Insofar as the subject matter of each of the claims of this application is not disclosed in the above prior United States or PCT International application(s) in the manner provided by the first paragraph of 35 USC §112, I acknowledge my duty to disclose to the United States Patent Office all information which is known to me to be material to patentability as defined in 37 CFR §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Priority Claim under 35 USC §119(a)(b) and (d) or §365(a) and (b):

I hereby claim foreign priority benefits under 35 USC §119(a)(b) and (d) and §365(a) and (b) of any foreign application(s) for patent or inventor's certificate, or any PCT International application(s) designating at least one country other than the United States, listed below.

☒ None

Application Serial Number	Country	Filing Date (Day/Month/Year)

Foreign Application(s) filed before the priority document(s) under 35 USC §119(c) and 37 CFR §1.63(c):

I have also identified below any foreign application for patent or inventor's certificate, or PCT International application designating at least one country other than the United States filed by me on the same subject matter and having a filing date before that of the application(s) from which foreign priority is claimed, whether abandoned or not.

☒ None

Application Serial Number	Country	Filing Date (Day/Month/Year)

As a named inventor, I hereby appoint the following attorney(s) to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.

MARY G. BOGUSLASKI, PH.D., Reg. No. 31,486
LOUIS T. ISAF, Reg. No. 29,078
STEVEN D. KERR, Reg. No. 32,472
JOHN J. TIMAR, Reg. No. 32,497
DAVID J. HAYZER, Reg. No. 43,329
CARL B. MASSEY, JR., Reg. No. 44,224
C. ROBERT RHODES, Reg. No. 24,200
JEFFREY R. MCFADDEN, Reg. No. 46,916
CRAIG H. POPALIS, Reg. No. 49,028
PAUL KIMBALL, Reg. No. 34,601
BARRY S. GOLDSMITH, Reg. No. 39,690
KEATS A. QUINALTY, Reg. No. 46,426

JEFFREY GREENMAN, Reg. No. 26,552
JAMES F. VAUGHAN, Reg. No. 31,889
D. SCOTT SUDDERTH, Reg. No. 34,026
STEVEN L. SCHMID, Reg. No. 39,358
DAVID S. BRADIN, Reg. No. 37,783
THOMAS B. MCGURK, Reg. No. 44,920
JACK B. HICKS, Reg. No. 34,180
LEWIS S. ROWELL, Reg. No. 45,469;
DALE C. HOGUE, SR., Reg. No. 32,823
IAN A. CALVERT, Reg. No. 50,186
NANDA K. ALAPATI, Reg. No. 39,893
WILLIAM A. CAPP, Reg. No. 49,037

Direct all telephone calls to Carl B. Massey, Jr. at (336) 721-3681.

Address all written correspondence to:

Customer No. 26158

Carl B. Massey, Jr.
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
Post Office Box 7037
Atlanta, Georgia 30357-0037

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC §1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Inventor (First/Middle/Last):

Christopher J. Stenland

Country of Citizenship:

U.S.A.

Residence (City, State, Country):

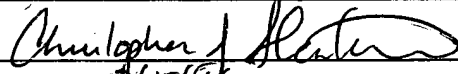
102 Mereworth Place, Cary, NC 27513

Post Office Address:

102 Mereworth Place, Cary, NC 27513

Inventor's Signature:

Date:


3/15/04

Name of Inventor (First/Middle/Last):

Jarrett C. Terry

Country of Citizenship:

U.S.A.

Residence (City, State, Country):

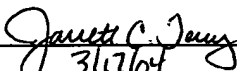
9916 Miranda Dr., Raleigh, NC 27617

Post Office Address:

9916 Miranda Dr., Raleigh, NC 27617

Inventor's Signature:

Date:


3/17/04

Name of Inventor (First/Middle/Last):

Jeffrey A. Yuziuk

Country of Citizenship:

U.S.A.

Residence (City, State, Country):

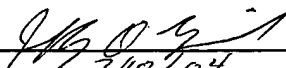
122 Fawnlilly Place, Garner, NC 27529

Post Office Address:

122 Fawnlilly Place, Garner, NC 27529

Inventor's Signature:

Date:


3/18/04

ASSIGNMENT OF INVENTION

In consideration of the payment by ASSIGNEE to ASSIGNOR of the sum of one dollar (\$1.00) and for other good and valuable consideration, the receipt of which is hereby acknowledged,

ASSIGNOR(S):

Name of Inventor (Last name followed by given name)	Address	Country of Citizenship
Stenland, Christopher J	102 Mereworth Place Cary, NC 27513	U.S.A.
Terry, Jarrett C.	9916 Miranda Drive Raleigh, NC 27617	U.S.A.
Yuziuk, Jeffrey A.	122 Fawnlilly Place Garner, NC 27529	U.S.A.

hereby sell(s), assign(s) and transfer(s) to

ASSIGNEE: Bayer HealthCare LLC, 555 White Plains Road, Tarrytown, New York 10591, United States of America, a corporation organized under the laws of the State of Delaware, United States of America, and its successors, assigns and legal representatives,

the entire right, title and interest in and to, including the right to claim priority from, the invention(s) disclosed in U.S. Patent Application Serial Number 10/659,789, filed on September 10, 2003.

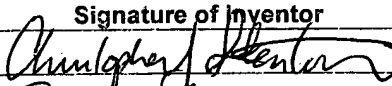
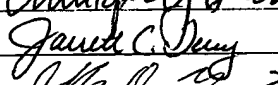
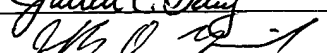
which is entitled: Prion Clearance Using Particulate Metal Oxides

and any legal equivalent thereof in a foreign country,

and in and to all Letters Patent and equivalents thereof to be obtained for said invention in all countries by the above application or any continuation, division, renewal, substitute or equivalent thereof, as well as to any reissue, reexamination, patent term restoration, or equivalent thereto.

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment, and that ASSIGNEE will, upon ASSIGNEE's request, be provided promptly with all pertinent facts and documents relating to said invention(s) and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR, and ASSIGNOR will testify as to the same in any interference, litigation or other proceeding related thereto, and will promptly execute and deliver to ASSIGNEE or its legal representative(s) any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention(s) and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS WHEREOF, I/we have hereunto respectively set hand and seal on the date(s) shown below:

Typed Name of Inventor	Signature of Inventor	Date
Christopher J. Stenland		3/15/04
Jarrett C. Terry		3/17/04
Jeffrey A. Yuziuk		3/18/04



POWER OF ATTORNEY FROM ASSIGNEE

Bayer HealthCare, LLC, a Delaware Corporation, is Assignee of the entire right, title and interest for the United States of America (as defined in 35 U.S.C. § 100) of an invention known as, PRION CLEARANCE USING PARTICULATE METAL OXIDES, which is disclosed and claimed in a patent application of the same title by reason of Assignment to the Assignee executed on March 15, 2004, March 17, 2004, and March 18, 2004, by the inventors Christopher J. Stenland, Jarrett C. Terry, and Jeffrey A. Yuziuk, respectively, said application filed September 10, 2003, at the U.S. Patent and Trademark Office, having Application No. 10/659,789.

The Assignee hereby appoints the following attorneys to prosecute this application and such division, continuation, and reissue applications thereof as are filed by them on behalf of the Assignee, and to transact all business in the U.S. Patent and Trademark office connected therewith:

MARY G. BOGUSLASKI, Reg. No. 31,486
LOUIS T. ISAF, Reg. No. 29,078
STEVEN D. KERR, Reg. No. 32,472
JOHN J. TIMAR, Reg. No. 32,497
DAVID J. HAYZER, Reg. No. 43,329
CARL B. MASSEY, JR., Reg. No. 44,224
C. ROBERT RHODES, Reg. No. 24,200
JEFFREY R. MCFADDEN, Reg. No. 46,916
CRAIG H. POPALIS, Reg. No. 49,028
PAUL KIMBALL, Reg. No. 34,601
BARRY S. GOLDSMITH, Reg. No. 39,690
KEATS A. QUINALTY, Reg. No. 46,426

JEFFREY GREENMAN, Reg. No. 26,552
JAMES F. VAUGHAN, Reg. No. 31,889
D. SCOTT SUDDERTH, Reg. No. 34,026
STEVEN L. SCHMID, Reg. No. 39,358
DAVID S. BRADIN, Reg. No. 37,783
THOMAS B. MCGURK, Reg. No. 44,920
JACK B. HICKS, Reg. No. 34,180
LEWIS S. ROWELL, Reg. No. 45,469;
DALE C. HOGUE, SR., Reg. No. 32,823
IAN A. CALVERT, Reg. No. 50,186
NANDA K. ALAPATI, Reg. No. 39,893
WILLIAM A. CAPP, Reg. No. 49,037

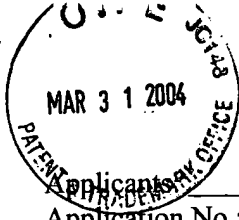
Assignee hereby grants said attorneys the power to insert on the Power of Attorney any further identification which may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office.

Send All Correspondence to:

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FOR: Bayer HealthCare, LLC
BY: Mary G. Boguslaski, Ph.D.
TITLE: Senior Patent Counsel
SIGNATURE: *Mary G. Boguslaski*
DATE: 3/25/2004



Certificate Under 37 C.F.R. § 3.73(b)

Applicants: Stenland, et al.

Application No.: 10/659,789 Filed: September 10, 2003

For: PRION CLEARANCE USING PARTICULATE METAL OXIDES

Bayer HealthCare LLC

a corporation

(Name of Assignee)

(Type of Assignee, e.g. corporation, partnership, university, government agency, etc.)

certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A. ☒ An Assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and trademark Office at Reel _____, Frame _____, **or for which a copy thereof is attached.**

OR

B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee. I hereby declare that all statements made herein of my own knowledge are true, and that all statements are made on information and belief to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Name: Mary G. Boguslaski, Ph.D.

Date: March 25, 2004

Title: Senior Patent Counsel, Bayer HealthCare LLC

Signature: 